

PTO/SB/61 (06-03)

Approved for use through 07/31/2003. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)

Docket Number (Optional)

THS003

First Named Inventor: Thomas W. Lynch

Art Unit: 2152

Application Number: 09/310,508

Examiner: Beatriz Prieto

Filed: May 12, 1999

Title: SYMBIOTIC COMPUTING SYSTEM AND METHOD OF OPERATION THEREFOR

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact
Petitions Information at (703) 305-9382.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.

NOTE: A grantable petition requires the following items:

- (1) Petition fee.
- (2) Reply and/or issue fee.
- (3) Terminal disclaimer with disclaimer fee-required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

1. Petition fee

 Small entity - fee \$ 55 (37 CFR 1.17(i)). Applicant claims small entity status.
See 37 CFR 1.27. Other than small entity - fee \$ _____ (37 CFR 1.17(i)).

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of
Corrected Response to First Office Action (identify the type of reply): has been filed previously on November 13, 2003 is enclosed herewith.Adjustment date: 08/12/2003 ARELLEY
07/29/2003 SLUANG1 00000051 09310508
01 FC:2452The issue fee of \$ _____
has been filed previously on _____ -55.00 UP is enclosed herewith.07/29/2003 SLUANG1 00000051 09310508
01 FC:2452

55.00 UP

[Page 1 of]

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Refund Request 08/12/2003	Total \$55.00	Credit 00000051	VISA 08/12/2003
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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

3. Terminal disclaimer with disclaimer fee

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity of \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

July 23, 2003

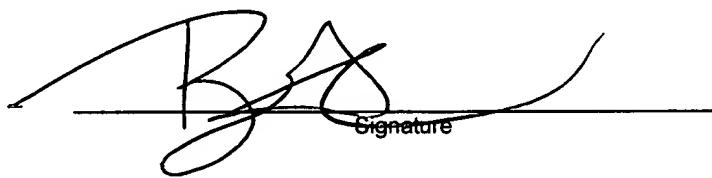
Date

(512) 264-8816

Telephone Number

36,520

Registration Number, if applicable



Signature

Bruce E. Garlick

Typed or printed name

P.O. Box 160727

Address

Austin, TX 78716-0727

Address

Enclosure Fee Payment

RECEIVED

Reply Copy of Reply and Auto-Reply Facsimile Transmission

JUL 3 0 2003

Terminal Disclaimer Form

OFFICE OF PETITIONS

Additional sheets containing statements establishing unavoidable delay

Credit Card Payment form for the \$55 petition fee

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

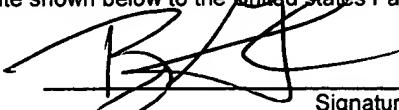
I hereby certify that this correspondence is being:

deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

July 23, 2003

Date



Signature

Bruce E. Garlick

Typed or printed name of person signing certificate

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

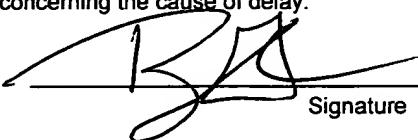
NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

July 23, 2003

Date

36,520

Registration Number, if applicable



Signature

Bruce E. Garlick

Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

The Application was examined and a first Office Action on the merits was mailed May 24, 2002. A response was filed thereto on October 22, 2002 with a two-month extension. On October 31, 2002 a notice of Non-Compliant Amendment was mailed having a one month response period.

On November 13, 2002 a Corrected response was filed in response to the notice of Non-Compliant Amendment. The Corrected response was filed via Facsimile and was received by the Patent Office at 1:56:10 p.m. Eastern Standard Time on November 13, 2002. Attached hereto is a copy of the Corrected Response as Filed and in addition a copy of the Auto-Reply Facsimile Transmission evidencing receipt by the PTO.

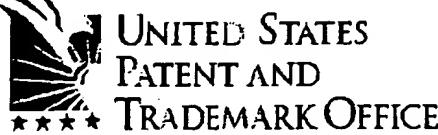
Given that the Applicant timely responded to the October 31, 2002 notice, Applicant requests that the Application be removed from abandonment and that the examination process continue. Applicant further requests that the Petition Fee paid herewith be refunded.

RECEIVED

JUL 3 0 2003

OFFICE OF PETITIONS

(Please attach additional sheets if additional space is needed.)

O P E
JUL 28 2003
PATENT & TRADEMARK OFFICE
TO:Auto-reply fax to 512 2643735 COMPANY:

Auto-Reply Facsimile Transmission

TO: Fax Sender at 512 2643735

Fax Information

Date Received:

11/13/02 1:56:10 PM [Eastern Standard Time]

Total Pages:

13 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received
Cover
Page
=====>

11/13/02 12:30 FAX 512 2643735	4TH - Spicewood	001
<p>GARLICK, HARRISON & MARKISON, LLP <small>ATTORNEYS AT LAW P.O. BOX 140727 AUSTIN, TEXAS 78716-0727 TELEPHONE (512) 264-8916 FACSIMILE (512) 264-3735</small></p> <p>• INTELLECTUAL PROPERTY AND TECHNOLOGY LAW •</p> <p>November 13, 2002</p> <p>FAX TRANSMISSION COVER SHEET</p> <p>In the Application of: <input checked="" type="checkbox"/> Group Art Unit: 2152 Thomas W. Lynch <input checked="" type="checkbox"/> Examiner: Prieto, Beatriz <input checked="" type="checkbox"/> Serial No.: 09/310,508 <input checked="" type="checkbox"/> Filed: May 12, 1999 <input checked="" type="checkbox"/> For: SYMBIOTIC COMPUTING SYSTEM AND METHOD OF OPERATION THEREFOR <input checked="" type="checkbox"/></p> <p>CERTIFICATE OF FACSIMILE FILING</p> <p><input checked="" type="checkbox"/> I hereby certify that this correspondence is being transmitted via Facsimile to Examiner Brian D. Nguyen at (703) 746-7336 on November 13, 2002.</p> <p><i>[Signature]</i> Bruce E. Garlick</p> <p><input checked="" type="checkbox"/></p> <p>YOU SHOULD RECEIVE 13 PAGE(S) INCLUDING THIS COVER SHEET. IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL (512) 264-8916. OUR FACSIMILE NUMBER IS (512) 264-3735.</p>		

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GARLICK, HARRISON & MARKISON, LLP

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P.O. Box 160727
AUSTIN, TEXAS 78716-0727
TELEPHONE (512) 264-8816
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♦ INTELLECTUAL PROPERTY AND TECHNOLOGY LAW ♦

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November 13, 2002

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FAX TRANSMISSION COVER SHEET

OFFICE OF PETITIONS

In the Application of:

Thomas W. Lynch

Serial No.: 09/310,508

Filed: May 12, 1999

For: SYMBIOTIC COMPUTING SYSTEM
AND METHOD OF OPERATION
THEREFOR

§ Group Art Unit: 2152

§

§ Examiner: Prieto, Beatriz

§

§

CERTIFICATE OF FACSIMILE FILING

§ I hereby certify that this correspondence is being
§ transmitted via Facsimile to Examiner Brian D.
§ Nguyen at (703) 746-7239 on November 13,
§ 2002.

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Bruce E. Garlick

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UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND

1 Date of Request:	8/8/03	2 Serial/Patent #	09/316,508
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED
Filing			\$
Amendment			\$
Extension of Time			\$
Notice of Appeal/Appeal			\$
Petition		9	7/28/03 \$ 55.00
Issue			\$
Cert of Correction/Terminal Disc.			\$
Maintenance			\$
Assignment			\$
Other			\$
		7 TOTAL AMOUNT OF REFUND	\$ 55.00
		8 TO BE REFUNDED BY:	
		<input checked="" type="checkbox"/> Treasury Check	
10 REASON:		<input type="checkbox"/> Overpayment	
		<input type="checkbox"/> Duplicate Payment	
<input checked="" type="checkbox"/> No Fee Due (Explanation):		9 <input type="checkbox"/> <input type="checkbox"/> -- <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
11-137(a) petition treated under 37 CFR 1.181			
11 REFUND REQUESTED BY:			
TYPED/PRINTED NAME:		Patricia Faison-Ball	
SIGNATURE:		Patricia Faison-Ball	
OFFICE:		Petitions	
***** THIS SPACE RESERVED FOR FINANCE USE ONLY *****			
APPROVED:		Alice Miller	
		DATE: 8/12/03	

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Crystal Park One, Room 802B